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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/605,407	09/29/2003	Vivian Tempkins	140478	2406
26058	7590	10/19/2005		
MICHAEL C. CESARANO SUNTRUST INTERNATIONAL CENTER, 28TH FLOOR 1 S.E. 3RD AVENUE MIAMI, FL 33131-1714			EXAMINER CHIN, PAUL T	
			ART UNIT	PAPER NUMBER
			3652	

DATE MAILED: 10/19/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/605,407

Applicant(s)

TEMPKINS, VIVIAN

Examiner

PAUL T. CHIN

Art Unit

3652

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 09 August 2005.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-8, 10 and 11 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-8, 10 and 11 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 24 February 2005 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____

DETAILED ACTION

1. Applicant's amendment filed August 1, 2005, and the arguments presented therewith have been fully considered and are persuasive. Therefore, the rejection has been withdrawn. However, upon further consideration, the arguments are moot in view of a new ground(s) of rejection. A non-final office action follows as below.

Claim Rejections - 35 USC § 112

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

2. Claims 1-8,10, and 11 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Applicant recites "a combination buttonhook and zipper puller" in claims 1-8,10, and 11.

It is pointed out that the claims are misleading because applicant fails to positively recite "a buttonhook" in the body of the claim though applicant positively claim "a combination buttonhook and zipper puller". Also note that claims 1-8,10, and 11 recites only the structural elements of "a zipper puller".

Claim Rejections - 35 USC § 102

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

4. Claims 1-8 and 10, as best understood, are rejected under 35 U.S.C. 102(b) as being anticipated by Hills (3,857,142).

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Hills (3,857,142) discloses a puller or a hook comprising a grasp ring (26), an elongated member having two opposing strands 20,30 wherein one 30 being shorter in length and the strands are releasably joined at each distal end.

Re claim 4, figures 4 and 5 shows an internal supporting member 14.

Re claims 6 and 8, figure 6 shows a seating channel and having an arcuate surface not more than 190 degree.

5. Claims 1 and 2, as best understood, are rejected under 35 U.S.C. 102(b) as being anticipated by Prentice (1,524,210).

Prentice (1,524,210) discloses a puller or a hook comprising a grasp ring (19), an elongated member having two opposing strands 17,18 wherein one 18 being shorter in length and the strands are releasably joined at each distal end.

Claim Rejections - 35 USC § 103

6. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

7. Claim 3, as best understood, is rejected under 35 U.S.C. 103(a) as being unpatentable over Prentice (1,524,210).

Prentice (1,524,210), as presented in section 5 above, does not show an oval shaped ring. However, it would have been obvious to those skilled in the art to provide an oval shaped ring (instead of circular shape) on the Prentice (1,524,210) to provide a wider grip for gripping.

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8. Claims 6-8 and 10, as best understood, are rejected under 35 U.S.C. 103(a) as being unpatentable over Prentice (1,524,210) in view of Hills (3,857,142).

Prentice (1,524,210), as presented in section 5 above, does not show the first strand having a seating channel and an arcuate surface. However, Hills (3,857,142) teaches in figure 6 showing the first strand having a seating channel and having an arcuate surface not more than 190 degree. Accordingly, it would have been obvious to those skilled in the art to provide a seating channel and an arcuate surface on the first strand of Prentice (1,524,210) as taught by Hills (3,857,142) to firmly contain the second strand.

Allowable Subject Matter

9. Claim 11 would be allowable if rewritten to overcome the rejection(s) under 35 U.S.C. 112, 2nd paragraph, set forth in this Office action and to include all of the limitations of the base claim and any intervening claims. Note that "a buttonhook" must be positively recited in the body of the claim if a combination device is claimed.

Response to Arguments

10. Applicant's arguments with respect to claims 1-8 and 10 have been considered but are moot in view of the new ground(s) of rejection.

Conclusion

11. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to PAUL T. CHIN whose telephone number is (571) 272-6922. The examiner can normally be reached on MON-THURS (7:30 -6:00 PM).

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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, EILEEN LILLIS can be reached on (571) 272-6928. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

A handwritten signature in black ink, appearing to read "Paul T. Chin". The signature is fluid and cursive, with a large initial "P" and a distinct "Chin" at the end.

PAUL T. CHIN
Examiner
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